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*NEISWONGER*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	2:11-CR-00247-JAD-CWH
vs.	)	
	)	
RICHARD S. NEISWONGER,	)	
WILLIAM S. REED,	)	
WENDELL L. WAITE,	)	
	)	
Defendants.	)	
	)	
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**STIPULATION TO CONTINUE SENTENCING**  
**(Ninth Request)**

**IT IS HEREBY STIPULATED AND AGREED** by and among Daniel G. Bogden,  
United States Attorney ("USA"), Gregory Dam, Assistant United States Attorney ("AUSA"),

Solomon L. Wisenberg, Esq., and Peter Angulo, Esq., attorneys for Defendants Richard C. Neiswonger and Shannon Neiswonger, that the sentencing currently scheduled for July 6, 2015 be vacated and continued until December 7, 2015, or a date thereafter convenient to the Court.

The Stipulation is entered into for the following reasons:

1. This is the ninth request to continue Mr. Neiswonger's sentencing in this matter. The first request was made through stipulation of the parties on August 1, 2012 (Docket Entry 76) and was granted by the Court on August 2, 2012 (Docket Entry 77). The second request was entered by the Court on September 26, 2012, through a Minute Order upon oral stipulation of counsel (Docket Entry 81). This Minute Order was entered on the same date that the Court accepted guilty pleas and set a July 8, 2013 sentencing date for Mr. Neiswonger and Mrs. Shannon Neiswonger in Case Number 2:12-CR-00281-JAD-CWH. *See* Minutes of Proceedings (Docket Entry 22) in Case Number 2:12-CR-00281-JAD-CWH. The third request was made by stipulation of the parties on May 31, 2013 (Docket Entry 93) and was granted by the Court the same day (Docket Entry 94). The fourth request was made by stipulation of the parties on September 25, 2013 (Docket Entry 105) and was granted by the Court on September 26, 2013 (Docket Entry 106). The fifth request was made by stipulation of the parties on December 23, 2013 (Docket Entry 117) and was granted by the Court on December 26, 2013 (Docket Entry 118). The sixth request was made by stipulation of the parties on March 14, 2014 (Docket Entry 122) and was granted by the Court on March 19, 2014 (Docket Entry 123). The seventh request was made by stipulation of the parties on June 18, 2014 (Docket Entry 132) and was granted by the Court on June 18, 2014 (Docket Entry 133). The eighth request was made by stipulation of the parties on December 4, 2014 (Docket Entry 144) and was granted by the Court on December 9, 2014 (Docket Entry 147).

2. The additional time requested herein is not sought for purposes of delay.
3. The United States and the defendants need more time to properly evaluate Mr. Neiswonger's full range of cooperation prior to sentencing. Co-defendant Wendell Waite's trial is set to begin on July 28, 2015 in Case No. 2:11-CR-00247-JAD-CWH, and Mr. Neiswonger will be a witness in that trial. In addition, the Government expects Mr. Neiswonger to serve as a government witness in Wendell Waite's trial on October 19, 2015 in Case No. 2:13-cr-00354-JCM-PAL. Each case is likely to have a bearing on the Court's assessment of the nature and degree of Mr. Neiswonger's cooperation. Mr. Neiswonger is continuing his cooperation with the Government, is gainfully employed, and is making significant monthly payments to the IRS and FTC.
4. Mr. Neiswonger's lead counsel, Solomon L. Wisenberg, needs additional time to investigate all of the sentencing factors contained in 18 U.S.C. §§ 3553(a) and 3661, particularly the nature and circumstances of the offense and the history and characteristics of Mr. Neiswonger, including his full cooperation, so that he can prepare a Sentencing Memorandum and otherwise effectively represent Mr. Neiswonger at the Sentencing Hearing pursuant to the Sixth Amendment. This is also true with respect to Case Number 2:12-CR-00281-JAD-CWH, which is related to the instant matter and is currently set for sentencing on the same date. Mr. Wisenberg represents Mr. and Mrs. Neiswonger in Case Number 2:12-CR-00281-JAD-CWH and will be filing a Stipulation to Continue Sentencing in Case Number 2:12-CR-00281-JAD-CWH as well. There have been six previous requests for a continuance in Case Number 2:12-CR-00281-JAD-CWH and continuing the sentencing in both cases for both defendants, will conserve judicial, prosecutorial, and defense resources.

5. Denial of this request for continuance could result in a miscarriage of justice. It would deny defense counsel and the Government time and opportunity to effectively prepare for sentencing in this case. For all the above stated reasons, the ends of justice would best be served by a continuance of the sentencing date until December 7, 2015, or a date thereafter convenient to the Court.

**DATED** this 15th day of May, 2015.

DANIEL BOGDEN  
UNITED STATES ATTORNEY

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/s/  
J. GREGORY DAM  
Assistant United States Attorney  
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UNITED STATES OF AMERICA

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/s/  
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*NEISWONGER*

### **FINDINGS OF FACT**

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is the ninth request to continue Mr. Neiswonger's sentencing in this matter. The first request was made through stipulation of the parties on August 1, 2012 (Docket Entry 76) and was granted by the Court on August 2, 2012 (Docket Entry 77). The second request was entered by the Court on September 26, 2012, through a Minute Order upon oral stipulation of counsel (Docket Entry 81). This Minute Order was entered on the same date that the Court accepted guilty pleas and set a July 8, 2013 sentencing date for Mr. Neiswonger and Mrs. Shannon Neiswonger in Case Number 2:12-CR-00281-JAD-CWH. *See* Minutes of Proceedings (Docket Entry 22) in Case Number 2:12-CR-00281-JAD-CWH. The third request was made by stipulation of the parties on May 31, 2013 (Docket Entry 93) and was granted by the Court on May 31, 2013 (Docket Entry 94). The fourth request was made by stipulation of the parties on September 25, 2013 (Docket Entry 105) and was granted by the Court on September 26, 2013 (Docket Entry 106). The fifth request was made by stipulation of the parties on December 23, 2013 (Docket Entry 117) and was granted by the Court on December 26, 2013 (Docket Entry 118). The sixth request was made by stipulation of the parties on March 14, 2014 (Docket Entry 122) and was granted by the Court on March 19, 2014 (Docket Entry 123). The seventh request was made by stipulation of the parties on June 18, 2014 (Docket Entry 132) and was granted by the Court on June 18, 2014 (Docket Entry 133). The eighth request was made by stipulation of the parties on December 4, 2014 (Docket Entry 144) and was granted by the Court on December 9, 2014 (Docket Entry 147).
2. The additional time requested herein is not sought for purposes of delay.

3. The United States and the defendants need more time to properly evaluate Mr. Neiswonger's full range of cooperation prior to sentencing. Co-defendant Wendell Waite's trial is set to begin on July 28, 2015 in Case No. 2:11-CR-00247-JAD-CWH. In addition, the Government expects Mr. Neiswonger to serve as a Government witness in Wendell Waite's trial on October 19, 2015 in Case No. 2:13-cr-00354-JCM-PAL. Each case is likely to have a bearing on the Court's assessment of the nature and degree of Mr. Neiswonger's cooperation. Mr. Neiswonger is continuing his cooperation with the Government, is gainfully employed, and is making significant monthly payments to the IRS and FTC.
4. Mr. Neiswonger's lead counsel, Solomon L. Wisenberg, needs additional time to investigate the sentencing factors contained in 18 U.S.C. §§ 3553(a) and 3661, particularly the nature and circumstances of the offense and the history and characteristics of Mr. Neiswonger, so that he can prepare a Sentencing Memorandum and otherwise effectively represent Mr. Neiswonger at the Sentencing Hearing pursuant to the Sixth Amendment. This is also true with respect to Case Number 2:12-CR-00281-JAD-CWH, which is related to the instant matter and is currently set for sentencing on the same date. Mr. Wisenberg represents Mr. and Mrs. Neiswonger in Case Number 2:12-CR-00281-JAD-CWH and will be filing a Stipulation to Continue Sentencing in Case Number 2:12-CR-00281-JAD-CWH as well. There have been six previous requests for a continuance in Case Number 2:12-CR-00281-JAD-CWH and continuing the sentencing in both cases for both defendants, will conserve judicial, prosecutorial, and defense resources.

### **CONCLUSIONS OF LAW**

1. Denial of this request for continuance could result in a miscarriage of justice. It would deny defense counsel and the Government time and opportunity to effectively prepare for sentencing in this case.
2. For all the above stated reasons, the ends of justice would best be served by a continuance of the sentencing date until December 7, 2015, or a date thereafter convenient to the Court.

**ORDER**

**IT IS HEREBY ORDERED** that the sentencing currently scheduled for July 6, 2015, be vacated and continued to Monday, December 7, 2015, at 9:00 a.m.

**DATED** this 18th day of May, 2015.

UNITED STATES DISTRICT JUDGE

Submitted by:

/s/  
 \_\_\_\_\_  
 PETER M. ANGULO, ESQ.  
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 Attorney for Defendants (Associated Counsel)  
 NEISWONGER